

Application No. 10/071,958
Amendment dated: December 3, 2003
Response to Office Action dated: September 3, 2003

REMARKS

Claims 1-17 are pending in the present application. Claim 1 has been canceled; Claims 2, 5, and 8 have been amended leaving Claims 2-17 for consideration upon entry of the present amendment. No new matter has been introduced by the amendments. Reconsideration and allowance of the rejected claims is respectfully requested in view of the preceding amendment and the following remarks.

Claims amendments

Claim 2 has been rewritten in independent form. Claim 5 has been rewritten to contain the compound of formula 5 instead of formula 4. Claim 8 has been amended to depend from Claim 2, which is allowable.

Objected to claims

Claims 2-4 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2 and Claim 8, from which Claim 9 depends, have been rewritten accordingly. The Applicant respectfully requests the allowance of the claims as provided in rewritten form.

Claim Rejections Under 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Workentin Journal of Physical Chemistry A, Vol. 102, No. 32, pages 6503-6512, 1998 (Workentin).

Claim 1 has been canceled rendering the rejection moot.

Claims 1, 8, 10, 12, and 14 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Antonkina et al. Elektrokhimiya, Vol. 27, No. 3, pages 380-387, 1991 (Antonkina).

Application No. 10/071,958
Amendment dated: December 3, 2003
Response to Office Action dated: September 3, 2003

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Claim 8 has been amended to depend from allowable Claim 2 and Claims 10, 12, and 14 ultimately depend from Claim 2. The Applicant requests that Claims 8, 10, 12, and 14 be allowed as they all ultimately depend from allowable Claim 2. Accordingly, the Applicant respectfully requests reconsideration and removal of the 35 U.S.C. § 102(b) rejections.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 8 and 10-17 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Antonkina in view of U.S. Patent No. 4,678,608 to Dugliss.

Claims 5-7 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Workentin or Antonkina in view of U.S. Patent No. 5,232,635 to Van Moer.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

In view of the current amendments, Claims 8 and 10-17 currently depend from allowable Claim 2. Accordingly, the Applicant requests reconsideration and removal of the § 103(a) rejections of Claims 8 and 10-17.

Claim 5 has been amended to contain the compound of formula 5. None of the references teach or suggest a preparation method of an anthracene compound according to formula 5. As none of the references teach all the elements of Claim 5 and dependent Claims 6-7, the Applicant respectfully requests reconsideration and removal of the § 103(a) rejections.

Application No. 10/071,958
Amendment dated: December 3, 2003
Response to Office Action dated: September 3, 2003


It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by applicants' attorneys.

Respectfully submitted,

CANTOR COLBURN LLP

By:



Roberta L. Pelletier
Registration No. 46,372
Confirmation No. 3620
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
PTO Customer No. 23413
Telephone: (860) 286-2929
Fax: (860) 286-0115